



**MWD**

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Executive Office

December 17, 2015

Submitted electronically

Ms. Holly Roberson, Land Use Counsel  
Governor's Office of Planning and Research  
1400 Tenth Street  
Sacramento, CA 95814  
[CEQA.Guidelines@resources.ca.gov](mailto:CEQA.Guidelines@resources.ca.gov)

Dear Ms. Roberson:

Comments on the Incorporation of  
Tribal Cultural Resources into Appendix G of the CEQA Guidelines

The Metropolitan Water District of Southern California (Metropolitan) reviewed the Discussion Draft of the Proposed Changes to Appendix G of the CEQA Guidelines (the Discussion Draft) prepared by the Governor's Office of Planning and Research (OPR). The passage of Assembly Bill 52 established a new category of resources under the California Environmental Quality Act (CEQA) called "tribal cultural resources" that considers tribal cultural values in addition to the scientific and archaeological values when determining impacts and mitigation. As such, the Office of Planning and Research (OPR) released a solicitation for input on proposed changes to Appendix G of the CEQA Guidelines to incorporate tribal cultural resources.

Metropolitan is a public agency and regional water wholesaler. It is comprised of 26 member public agencies serving approximately 19 million people in portions of six counties in Southern California, including Los Angeles, Ventura, Orange, Riverside, San Bernardino, and San Diego Counties. Metropolitan's primary sources of imported water come from the California State Water Project (SWP) and from the Colorado River via the Colorado River Aqueduct (CRA). Metropolitan's mission is to provide its 5,200 square mile service area with adequate and reliable supplies of high-quality water to meet present and future needs in an environmentally and economically responsible way.

Metropolitan appreciates the opportunity to remain engaged in the updates to Appendix G of the CEQA Guidelines and offers the following comments in response to the November 17, 2015 solicitation for feedback:

**Alternatives Discussion**

**Alternative 1.** Metropolitan supports the use of Alternative 1 as a means to incorporate tribal cultural resources into Appendix G. Alternative 1 is in keeping with the format and style of the existing questions in the Cultural Resources section. This alternative cites to the codes section

defining Tribal Cultural Resource rather than trying to interpret or elaborate on the language approved by the Legislature.

**Alternative 2(d).** While Metropolitan supports the change in language to describe cemeteries as dedicated instead of formal, this proposal is outside the scope of Assembly Bill 52, and therefore should not be amended as part of the Discussion Draft. It may be appropriate to include in a separate, general update of the guidelines.

**Alternative 2(e).** Rather than cite to the definition in the code as in Alternative 1, Alternative 2(e) inserts text from the code section into the checklist in a manner that is inconsistent with how other cultural resource categories are treated. For example, the definitions of archaeological and historical resources are not provided, only citations to the respective code sections. Additionally, the listing of examples of potential types of tribal cultural resources as described in Alternative 2(e) is not comprehensive. Providing examples gives weight to those listed at the expense of those that are undefined. Metropolitan recommends citing the relevant sections of code instead of providing examples.

**Alternative 3.** Alternative 3 takes tribal cultural resources out of the Cultural Resource section and creates a new impact category for this type of resource. This treats tribal cultural resources in a manner inconsistent with other resource categories. The creation of a new, separate impact category section in Appendix G is not specified within nor authorized by Assembly Bill 52. As with Alternative 2, Alternative 3 also provides a list of examples of potential types of tribal cultural resources that is not comprehensive. Providing examples gives weight to those listed at the expense of those that are undefined. Metropolitan recommends citing the relevant sections of code instead of providing examples.

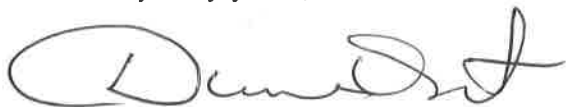
**Alternative 3(a), 3(b), and 3(c).** These alternatives question whether the resource is eligible for inclusion in the California Register of Historical Resources, included in a local register of historical resources, or whether the local agency determines the resource to be a tribal cultural resource. All three of these are yes-or-no questions. It does not make sense to use a yes-or-no question to determine the level of impact. For example, whether a resource is eligible for inclusion in the California Register of Historical Resources is not a determining factor regarding whether the project has impacts on a Tribal Cultural Resource. Metropolitan recommends citing the relevant sections of code for consistency in format and style with the other impact category sections.

For the foregoing reasons, Metropolitan recommends adoption of Alternative 1 as it is the most consistent with the current format of Appendix G and the only option that does not exceed the authority provided under Assembly Bill 52.

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Metropolitan appreciates this opportunity to provide input to your process and welcomes further opportunity to continue to engage in this process. If you have any questions on the comments contained in this letter, please contact Ms. Michelle Morrison at (213) 217-7906.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Deirdre West', with a large, stylized initial 'D'.

Deirdre West  
Manager, Environmental Planning Team

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